

(2014) 01 RAJ CK 0104

In the Rajasthan High Court

Case No : Civil Writ Petition Nos. 19278 and 19790 of 2013

Sanwarmal Soni

APPELLANT

Vs

National Highway Authority of India

RESPONDENT

Date of Decision : 10-01-2014

Acts Referred:

National Highways Act, 1956 — Section 3A(1), 3G(5)

Citation : (2014) 4 CDR 1897

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Advocate : Anoop Dhand, Advocate for the Appellant; M.D. Agarwal, Advocate for the Respondent

Judgement

Mohammad Rafiq, J.—In both the writ petitions, the petitioners have challenged the acquisition of land vide notification dated 11/11/2011 issued under Section 3A(1) of the National Highway Act, 1956 and the notice dated 2/5/2013 issued under Section 3(E)(H) of the said Act proposing to acquire the land for construction of a road. A further prayer made in the writ petition is that respondents be directed to construct the proposed four lane Highway from the centre point of the existing National Highway-11 Road i.e. from the middle side leaving shops and house of petitioners and in alternative, allot shop to the petitioners for rehabilitation and not to take possession of the shop/land of the petitioners till payment of the entire land. Counsel for the respondents has submitted that the land has in fact been acquired and has been taken possession of for the purpose of construction of four lane Highway but the petitioners never challenged the notice issued under 3D(1) of the National Highway Act, 1956. Now, the land has been vested in the Government. The competent authority has after hearing objection determined the compensation vide award dated 3/1/2013. Respondents in reply have stated that they have deposited the amount of compensation before the competent authority on 23/4/2013. Competent authority thereafter given notice to the petitioners to collect compensation. Petitioners submitted application before the competent authority

on 17/5/2013 demanding whole of compensation amount. Respondents have placed on record consent letters of other land holders for giving compensation to the petitioners in SBCWP No. 19278/2013 and compensation has been paid in both the cases.

2. Learned counsel for the petitioners has however submitted that petitioners are disputing correctness of compensation as inadequate compensation has been paid and therefore they submitted their claim for higher compensation. Having regard to the limited nature of controversy, both the writ petitions are disposed of with the direction to the respondents to forward the case of the petitioners to the Arbitrator in view of Section 3G(5) of the Act of 1956, who shall pass appropriate order thereabout within one month from the date, copy of this order is produced before the respondents.

With that direction, both the writ petitions are disposed of.